

Exhibit 16

From: [Kutscher Clark, Martie](#)
To: [Benjamin Gould](#); [Daniel Garrie](#); [Matt Melamed](#)
Cc: [Gail Andler \(judgeandler@icloud.com\)](#); [Falconer, Russ](#); [Cari Laufenberg](#); [Chris Springer](#); [Anne Davis](#); [David Ko](#); [Lesley Weaver](#); [Stein, Deborah L.](#); [Derek Loeser](#); [Snyder, Orin](#); [Mumm, Laura C.](#)
Subject: Re: In re Facebook: Joint Statement Logistics
Date: Tuesday, August 17, 2021 7:34:14 PM

Ben,

We're fine with your nits, but we're confused by your revision that strikes the special master's authority to set requirements that the parties mediate disputes and reach impasse before they are teed up to the special master. This is akin to a judge's authority to set meet-and-confer/ripeness requirements before issues are adjudicated.

This is a substantive change that we are surprised to see after the deadline to reach agreement, particularly since Plaintiffs have had this draft since yesterday. Might there be an alternative way to convey this simple point that Plaintiffs are comfortable with?

Martie Kutscher Clark

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Tel +1 650.849.5348 • Fax +1 650.849.5048
MKutscherClark@gibsondunn.com • www.gibsondunn.com

From: Benjamin Gould <bgould@KellerRohrback.com>
Date: Tuesday, August 17, 2021 at 5:16 PM
To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Daniel Garrie <DGarrie@jamsadr.com>, Matt Melamed <mmelamed@bfalaw.com>
Cc: "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@KellerRohrback.com>, Chris Springer <cspringer@KellerRohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@KellerRohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@KellerRohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>
Subject: RE: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Here are our minimal edits.

From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>
Sent: Tuesday, August 17, 2021 5:03 PM
To: Benjamin Gould <bgould@KellerRohrback.com>; Daniel Garrie <DGarrie@jamsadr.com>; Matt

Melamed <mmelamed@bfalaw.com>

Cc: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@KellerRohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Ben, Mr. Garrie asked the parties to finalize the stipulation by 5pm. We understand we have reached agreement subject to your request for a final review. Are we good to go? Thank you.

Martie Kutscher Clark

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From: Benjamin Gould <bgould@KellerRohrback.com>

Date: Tuesday, August 17, 2021 at 3:27 PM

To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Daniel Garrie <DGGarrie@jamsadr.com>, Matt Melamed <mmelamed@bfalaw.com>

Cc: "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@KellerRohrback.com>, Chris Springer <cspringer@KellerRohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@KellerRohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@KellerRohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

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We have no problem with the ex parte language. We're going through this revised version of the stip and proposed order one more time and will get back to you as soon as possible.

From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>

Sent: Tuesday, August 17, 2021 3:22 PM

To: Daniel Garrie <DGGarrie@jamsadr.com>; Matt Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>

Cc: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko

<dko@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@KellerRohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Thanks, Mr. Garrie! We've added the line in red below for clarification.

The final stipulation is attached. With Plaintiffs' agreement, we are happy to get this on file. Thanks, everyone!

Martie Kutscher Clark

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From: Daniel Garrie <DGarrie@jamsadr.com>

Date: Tuesday, August 17, 2021 at 3:15 PM

To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Matthew Melamed <mmelamed@bfalaw.com>, Benjamin Gould <bgould@KellerRohrback.com>

Cc: "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, Chris Springer <cspringer@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Counsel,

The language below is perfect if acceptable to the parties. Apologies for any confusion as I got the emails out of order.

Daniel Garrie

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From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>

Sent: Tuesday, August 17, 2021 3:53:04 PM

To: Daniel Garrie <DGarrie@jamsadr.com>; Matthew Melamed <mmelamed@bfalaw.com>;

Benjamin Gould <bgould@KellerRohrback.com>

Cc: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Thanks for clarifying, Mr. Garrie!

We certainly did not intend to limit your communications with Judge Andler—just the parties' ability to communicate with either of you ex parte on an issue that has gone to the special master, because we understood this to be your preference. How is the following tweak?

Pursuant to Fed. R. Civ. P. 53(b)(2)(B), the parties agree that Mr. Garrie may (A) confer with the Court (Judge Chhabria and/or Judge Corley) ex parte subject to Mr. Garrie's and the Court's discretion; and (B) confer with the parties ex parte in his capacity as discovery mediator. Once Mr. Garrie or Judge Andler has informed the parties that the parties have reached impasse on a discovery issue, there shall be no further ex parte communications between any party and either Mr. Garrie or Judge Andler on that issue. **Nothing in this provision shall limit ex parte communications between Mr. Garrie and Judge Andler.**

Martie Kutscher Clark

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From: Daniel Garrie <DGarrie@jamsadr.com>

Date: Tuesday, August 17, 2021 at 2:29 PM

To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Matthew Melamed <mmelamed@bfalaw.com>, Benjamin Gould <bgould@KellerRohrback.com>, Daniel Garrie <DGarrie@jamsadr.com>

Cc: "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, Chris Springer <cspringer@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Counsel, I prefer to have the option to have ex parte communications with Judge Andler if I determine it necessary.

Best,
Daniel

From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>
Sent: Tuesday, August 17, 2021 4:56 PM
To: Matthew Melamed <mmelamed@bfalaw.com>; Daniel Garrie <DGarrie@jamsadr.com>; Benjamin Gould <bgould@KellerRohrback.com>
Cc: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>
Subject: Re: In re Facebook: Joint Statement Logistics

Matt,

As we discussed yesterday, we defer to Mr. Garrie's preference with respect to whether he is comfortable with ex parte communications once an issue is before him in his capacity as special master.

Attached is what we understand to reflect the final agreed language, with the sentence about ex parte communications after impasse highlighted. We can adjust that if needed once we hear from Mr. Garrie. The only change here is removing the language we struck below.

Thank you,
Martie

Martie Kutscher Clark

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From: Matthew Melamed <mmelamed@bfalaw.com>

Date: Tuesday, August 17, 2021 at 1:07 PM

To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Daniel Garrie <DGarrie@jamsadr.com>, Benjamin Gould <bgould@KellerRohrback.com>

Cc: "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, Chris Springer <cspringer@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Martie,

Thank you for agreeing that the expanded appeals provision should be cut. You told us yesterday that the portion of the ex parte communication provision underlined below reflects Mr. Garrie's preference. If Mr. Garrie can confirm that preference, we will send you a proposed final version that, with your approval, we will file today.

4. Pursuant to Fed. R. Civ. P. 53(b)(2)(B), the parties agree that Mr. Garrie may (A) confer with the Court (Judge Chhabria and/or Judge Corley) ex parte subject to Mr. Garrie's and the Court's discretion; and (B) confer with the parties ex parte in his capacity as discovery mediator. Once Mr. Garrie or Judge Andler has informed the parties that the parties have reached impasse on a discovery issue, there shall be no further ex parte communications between any party and either Mr. Garrie or Judge Andler on that issue.

Thanks,
Matt

Matthew S. Melamed
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From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>

Sent: Tuesday, August 17, 2021 11:37 AM

To: Daniel Garrie <DGarrie@jamsadr.com>; Benjamin Gould <bgould@KellerRohrback.com>

Cc: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Matthew Melamed <mmelamed@bfalaw.com>; Chris Springer <cspringer@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Mr. Garrie, yes we will do that.

Counsel,

When we spoke yesterday, we understood Plaintiffs were concerned about describing the mediation/special master process in the Rule 53 order (as opposed to setting that process out in a different order). The revised stipulation we circulated last night removed that language.

We understand from Ben's email that Plaintiffs remain concerned about paragraph 6, which concerns appellate rights. In the spirit of reaching agreement, we are willing to compromise on that paragraph by removing an appellate right to Judge Chhabria in limited circumstances, if Plaintiffs will agree that Facebook may have 7 days—as opposed to the 4 provided by the local rules—to provide support for sealing requests. We seek an additional 3 days as a courtesy to avoid unnecessary fire drills with respect to sealing (particularly with respect to late in the week filings).

Please let us know if you agree to the following revision to paragraph 6.

Pursuant to Fed. R. Civ. P. 53(b)(2)(D), the Special Master Order describes the time limits and process for appealing an order submitted by Mr. Garrie. ~~Mr. Garrie's rulings may only be appealed to Judge Corley, and her ruling may not be appealed to the district judge, unless any such ruling purports to resolve an issue regarding the merits of the case or to modify a ruling issued by the district judge.~~ If any portion of the appeal submission is filed under seal, the party requesting sealing may submit support for its sealing request in accordance with Civil Local Rule 79-5 within seven days. Pursuant to Fed. R. Civ. P. 53(f)(3) and (5), the parties stipulate, subject to the Court's approval, that the Court shall review Mr. Garrie's findings of fact for clear error, rulings on procedural matters for abuse of discretion, and findings of law de novo. The parties further agree that this process satisfies Fed. R. Civ. P. 53(f)(1)-(2).

Thank you,
Martie

Martie Kutscher Clark

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From: Daniel Garrie <DGarrie@jamsadr.com>

Date: Tuesday, August 17, 2021 at 10:22 AM

To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Benjamin Gould <bgould@kellerrohrback.com>

Cc: "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, Matt Melamed <mmelamed@bfalaw.com>, Chris Springer <cspringer@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Counsel,

Would you please let me know by 5pm PDT if an agreement has been reached and a stip is submitted?

Thanks,
Daniel

From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>

Sent: Tuesday, August 17, 2021 12:07 PM

To: Benjamin Gould <bgould@kellerrohrback.com>

Cc: Daniel Garrie <DGarrie@jamsadr.com>; Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Matt Melamed <mmelamed@bfalaw.com>; Chris Springer <cspringer@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Counsel,

It sounds like we are very close to an agreement, and there is only one provision that concerns Plaintiffs, which I don't believe we discussed substantively yesterday. We will discuss the language about appeals with our client and see if we can come up with alternate language—if Plaintiffs have alternate language please send it, or please let us know which aspect of the provision concerns you.

As we've discussed, a consensual agreement is preferable here, so we're hopeful we can resolve this one outstanding term.

Thank you,

Martie Kutscher Clark

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On Aug 16, 2021, at 10:10 PM, Benjamin Gould <bgould@kellerrohrback.com> wrote:

[WARNING: External Email]

As we discussed earlier today, Plaintiffs cannot agree to the expanded appeals language. We regret that we have not been able to reach agreement and we will await the result of the conversation between Judge Chhabria and Mr. Garrie.

Sent via phone

From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>

Sent: Monday, August 16, 2021 8:17:10 PM

To: Daniel Garrie <DGarrie@jamsadr.com>; Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@KellerRohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

All,

As we discussed today, attached is a pared down version of the Rule 53 order, consistent with Mr. Garrie's guidance and the parties' meet and confer discussion. I've attached both a clean version and a redline to the prior version we proposed.

Thank you,

Martie

Martie Kutscher Clark

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From: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>

Date: Tuesday, August 10, 2021 at 7:27 PM

To: Daniel Garrie <DGarrie@jamsadr.com>, "Gail Andler (judgeandler@icloud.com)" <judgeandler@icloud.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>, Benjamin Gould <bgould@kellerrohrback.com>, Chris Springer <cspringer@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

Thank you both for the great advice!

Attached are Facebook's further revisions to the amended Rule 53 order and a redline to the last version Plaintiffs circulated. We have accepted nearly all of Plaintiffs' revised language. As you will see, our revisions largely add language we proposed originally and that Plaintiffs removed, falling into three categories:

1. **Process for bringing disputes to the special master.** We discussed the process for bringing disputes to Mr. Garrie at the last mediation session, and the proposed process reflects Mr. Garrie's suggestions for how disputes should be raised and briefed to him. We believe all parties would benefit from certainty regarding what this process will look like. We also understand from Judge Andler's email setting our upcoming mediation sessions that Judge Andler and Mr. Garrie are expecting the order to address the process of bringing disputes to Mr. Garrie.
2. **Items needed to comply with Rule 53.** We have added in language characterizing the order as "amending" Judge Chhabria's order, because a valid Rule 53 appointment requires notice and an opportunity to be heard, which we believe was lacking as to the original order. We also added language allowing the parties to raise limited objections to Mr. Garrie's tentative rulings, because Rule 53 requires parties to have an opportunity to raised particularized objections. As we explained previously, Mr. Garrie suggested the process we propose—whereby he would issue a tentative ruling and the parties would have an opportunity to alert him to specific types of concerns before a final ruling is issued. As we explained, this process is aimed at respecting the Court's desire to only review materials that have been provided to Mr. Garrie while also satisfying the appellate rights that Rule 53 requires.
3. **Provisions the parties agreed to previously.** We added back in certain provisions that we understood the parties had agreed to during our preliminary negotiations in March regarding a potential Rule 53 appointment. These include language stating (i) that Mr. Garrie shall be

bound by the Protective Order, (ii) that providing privileged materials to Mr. Garrie in camera in connection with a privilege dispute will not constitute a waiver (consistent with controlling precedent), and (iii) that the parties will be required to use the special-master process before raising discovery disputes to the Court.

To the extent there are any outstanding disagreements, we suggest we make this our first order of business during next Monday's mediation.

Thank you,
Martie

Martie Kutscher Clark

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From: Daniel Garrie <DGarrie@jamsadr.com>

Sent: Tuesday, August 10, 2021 5:06 PM

To: Gail Andler (judgeandler@icloud.com) <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@kellerrohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: Re: In re Facebook: Joint Statement Logistics

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I agree vehemently.

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From: Gail Andler <JudgeAndler@iCloud.com>

Sent: Tuesday, August 10, 2021 8:03:31 PM

To: Falconer, Russ <RFalconer@gibsondunn.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@kellerrohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C.

<LMumm@gibsondunn.com>; Daniel Garrie <DGarrie@jamsadr.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Vacations are good. Please make sure you are all taking them. The work will still be there, but you will not be there for your clients if you burn out. Just some unsolicited advice, thanks in advance for putting up with it. ☺

From: "Falconer, Russ" <RFalconer@gibsondunn.com>

Date: Tuesday, August 10, 2021 at 4:42 PM

To: Cari Laufenberg <claufenberg@kellerrohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>, Gail Andler <judgeandler@icloud.com>, Benjamin Gould <bgould@kellerrohrback.com>, Chris Springer <cspringer@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, David Ko <dko@kellerrohrback.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>, Daniel Garrie <DGarrie@jamsadr.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Cari: I am out on vacation this week, but I understand the revised stip will be coming your way shortly. Thanks.

Sent from my iPhone

On Aug 10, 2021, at 4:59 PM, Cari Laufenberg <claufenberg@kellerrohrback.com> wrote:

[WARNING: External Email]

Russ,

I just left you a message to ask after the status of Facebook's edits to the Rule 53 stipulation and proposed order we provided 2 weeks ago. Please give me a call or respond to this email as we need to understand what the hold-up is and proceed accordingly.

Thank you,
Cari

From: Falconer, Russ <RFalconer@gibsondunn.com>

Sent: Monday, August 2, 2021 7:11 PM

To: Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <judgeandler@icloud.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@KellerRohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser

<dloeser@KellerRohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Cc: Daniel Garrie <DGarrie@jamsadr.com>

Subject: RE: In re Facebook: Joint Statement Logistics

Matt:

Thanks for following up. We don't anticipate any major issues here. We're aiming to get you our edits this week.

Thanks,
Russ

Russ Falconer

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RFalconer@gibsondunn.com • www.gibsondunn.com

From: Matthew Melamed <mmelamed@bfalaw.com>

Sent: Monday, August 2, 2021 5:38 PM

To: Gail Andler <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Cc: Daniel Garrie <DGarrie@jamsadr.com>

Subject: RE: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Counsel,

Please let us know if there's something we need to discuss on the draft Rule 53 stipulation and proposed order we circulated last Tuesday, and again on Thursday. It is apparent from the parties' statements to Judges Chhabria and Corley that there aren't any issues with Mr. Garrie's appointment or authority. Our draft hews narrowly to the Rule 53 requirements and was intended to be a neutral recitation of the elements that the appointment order could be read to have omitted.

If you'd like to discuss, we can make ourselves available this afternoon or tomorrow. If not, please provide us with the courtesy of a response by the close of business tomorrow.

Thanks,
Matt

From: Matthew Melamed

Sent: Thursday, July 29, 2021 10:20 AM

To: Gail Andler <judgeandler@icloud.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Anne Davis <ADavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Lesley Weaver <LWeaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Cc: Daniel Garrie <DGarrie@jamsadr.com>

Subject: RE: In re Facebook: Joint Statement Logistics

Counsel,

We're writing to check in on the Rule 53 stipulation and proposed order. The most recent version, which we circulated Monday, is reattached here for your convenience. Please let us know if there's anything you'd like to discuss.

Thanks,
Matt

From: Gail Andler <judgeandler@icloud.com>

Sent: Tuesday, July 27, 2021 2:22 PM

To: Matthew Melamed <mmelamed@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; David Ko <dko@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Lesley Weaver <lweaver@bfalaw.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Derek Loeser <dloeser@kellerrohrback.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Cc: Daniel Garrie <DGarrie@jamsadr.com>

Subject: Re: In re Facebook: Joint Statement Logistics

Dear Counsel,

I hope this finds you well. I have been unplugged in Chicago while attending to a memorial service and family obligations and I am just catching up on email enroute to the airport. I expect to join the call tomorrow.

Based on my call with your judges, I believe it was their expectation that Judge Chhabria would issue

the appointment order and that Mr. Garrie would thereafter establish the process/protocol by which matters were presented to him as your Special Master. Therefore I do not believe you need to address it in a joint or separate submissions to Judge Corley.

Thank you for your continued advocacy, professionalism and cooperation. Until tomorrow....

Best,

Gail Andler

Please excuse any typos due to voice texting

Judge Gail Andler (Ret.)

On Jul 27, 2021, at 1:58 PM, Matthew Melamed <mmelamed@bfalaw.com> wrote:

Thank you.

Regarding the Rule 53 stipulation and proposed order, we have not yet reached agreement on a final draft. I've attached the parties' communications to date: (1) Facebook's initial proposal, circulated Friday afternoon; and (2) Plaintiffs' proposal in response to Facebook's initial proposal.

Best,

Matt

Matthew S. Melamed
Bleichmar Fonti & Auld LLP
555 12th Street, Suite 1600
Oakland, CA 94607
(415) 445-4003
www.bfalaw.com

From: Daniel Garrie <DGarrie@jamsadr.com>

Sent: Tuesday, July 27, 2021 11:42 AM

To: Cari Laufenberg <claufenberg@kellerrohrback.com>; Falconer, Russ

<RFalconer@gibsondunn.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould

<bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; David Ko

<dko@kellerrohrback.com>; Derek Loeser <dloeser@kellerrohrback.com>; Lesley Weaver

<lweaver@bfalaw.com>; Matthew Melamed <mmelamed@bfalaw.com>

Cc: Gail Andler (<judgeandler@icloud.com> <judgeandler@icloud.com>); Daniel Garrie

<DGarrie@jamsadr.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Mumm,

Laura C. <LMumm@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Snyder, Orin

<OSnyder@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

Counsel,

Nice work! Did you circulate a final of the Rule 53 appointment?

Best,

Daniel

From: Cari Laufenberg <claufenberg@KellerRohrback.com>

Sent: Tuesday, July 27, 2021 2:16 PM

To: Falconer, Russ <RFalconer@gibsondunn.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>

Cc: Gail Andler <JudgeAndler@iCloud.com>; dgarrie@jamsadr.com; Daniel B. Garrie <Daniel@lawandforensics.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Snyder, Orin <OSnyder@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

Counsel,

Please see Plaintiffs' minimal further revisions. With these revisions, you have Plaintiffs' approval to file. If you would like to discuss, please let us know.

Thank you,

Cari

From: Falconer, Russ <RFalconer@gibsondunn.com>

Sent: Tuesday, July 27, 2021 10:28 AM

To: Cari Laufenberg <claufenberg@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>

Cc: Gail Andler <JudgeAndler@iCloud.com>; dgarrie@jamsadr.com; Daniel B. Garrie <Daniel@lawandforensics.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Snyder, Orin <OSnyder@gibsondunn.com>

Subject: RE: In re Facebook: Joint Statement Logistics

Counsel:

Thank you for sending over your proposed revisions. Attached are Facebook's revisions to

your draft. We created the redline against the clean version you sent over, so the changes in redline reflect our additions to and deletions from the language Plaintiffs proposed. We accepted and added language that we believe reflects the joint position of the parties, and we removed anything that does not. We are available this morning if you all would like to discuss.

Thanks,
Russ

Russ Falconer

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RFalconer@gibsondunn.com • www.gibsondunn.com

From: Cari Laufenberg <claufenberg@KellerRohrback.com>
Sent: Monday, July 26, 2021 8:40 PM
To: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Snyder, Orin <OSnyder@gibsondunn.com>
Cc: Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; dgarrie@jamsadr.com
Subject: RE: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Counsel,

Please see Plaintiffs' revisions to the draft joint statement attached. We have provided both a redline and clean version. We appreciate your flexibility as we had endeavored to send this by 5 pm as agreed. Plaintiffs are available to discuss any questions FB might have regarding our revisions.

Thank you,
Cari

Cari Campen Laufenberg (*she/her*)
Keller Rohrback L.L.P.
1201 Third Ave., Suite 3200
Seattle, WA 98101
Phone: (206) 623-1900
Direct Dial: (206) 224-7550
Fax: (206) 623-3384
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From: Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>

Sent: Monday, July 26, 2021 11:17 AM

To: Cari Laufenberg <claufenberg@KellerRohrback.com>; Mumm, Laura C.

<LMumm@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Falconer, Russ

<RFalconer@gibsondunn.com>; Snyder, Orin <OSnyder@gibsondunn.com>

Cc: Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; dgarrie@jamsadr.com

Subject: RE: In re Facebook: Joint Statement Logistics

All,

A draft joint statement for Wednesday's hearing is attached.

Thank you,

Martie

Martie Kutscher Clark

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1881 Page Mill Road, Palo Alto, CA 94304-1211

Tel +1 650.849.5348 • Fax +1 650.849.5048

MKutscherClark@gibsondunn.com • www.gibsondunn.com

From: Kutscher Clark, Martie

Sent: Friday, July 23, 2021 3:42 PM

To: Cari Laufenberg <claufenberg@KellerRohrback.com>; Mumm, Laura C.

<LMumm@gibsondunn.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Falconer, Russ

<RFalconer@gibsondunn.com>; Snyder, Orin <OSnyder@gibsondunn.com>

Cc: Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@KellerRohrback.com>; David Ko <dko@KellerRohrback.com>; Derek Loeser <dloeser@KellerRohrback.com>; Lesley Weaver <lweaver@bfalaw.com>; Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; dgarrie@jamsadr.com

Subject: Re: In re Facebook: Joint Statement Logistics

Hi Cari,

Yes, we can put together a draft. We understand that the parties are planning to submit a

short, truly joint statement simply updating the Court on progress since the last hearing. Please let us know by tomorrow evening if Plaintiffs intend to raise any issues to Judge Corley, so that we can appropriately address them.

Thank you,
Martie

Martie Kutscher Clark

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From: Cari Laufenberg <claufenberg@KellerRohrback.com>
Date: Friday, July 23, 2021 at 12:34 PM
To: "Mumm, Laura C." <LMumm@gibsondunn.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>
Cc: Anne Davis <adavis@bfalaw.com>, Benjamin Gould <bgould@KellerRohrback.com>, Chris Springer <cspringer@KellerRohrback.com>, David Ko <dko@KellerRohrback.com>, Derek Loeser <dloeser@KellerRohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, Matt Melamed <mmelamed@bfalaw.com>, Gail Andler <JudgeAndler@iCloud.com>, "dgarrie@jamsadr.com" <dgarrie@jamsadr.com>
Subject: In re Facebook: Joint Statement Logistics

[WARNING: External Email]

Counsel,

Judge Andler and Mr. Garrie raised with us yesterday that they would like the parties to confer with regard to submitting the joint statement in advance of our discovery conference. Would Facebook like to draft the joint statement and provide it to Plaintiffs by noon on Monday? We will provide our edits by Monday at 5 pm.

Please let us know if this is acceptable.

Thank you,
Cari

Cari Campen Laufenberg *(she/her)*

Keller Rohrback L.L.P.

1201 Third Ave., Suite 3200

Seattle, WA 98101

Phone: (206) 623-1900

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